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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,078	03/31/2004	Patrick Hallinan	066949-0001	4644
7590 Dykema Gossett, PLLC Suite 300 West 1300 I Street, N.W. Washington, DC 20005-3306				
05/15/2008				
EXAMINER				
TORRES, ALICIA M				
ART UNIT		PAPER NUMBER		
3671				
MAIL DATE		DELIVERY MODE		
05/15/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/813,078

**Applicant(s)**

HALLINAN ET AL.

**Examiner**

ALICIA M. TORRES

**Art Unit**

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 7, 10 and 16-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-3, 7, 10 and 16-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 1, line 12, it is unclear what material is allowed to deflect. It appears the specific material deflection limitation should be deleted from the claim without disclosure in the Specification.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 7, 10 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al. 3,526,083 in view of Gates 5,065,566.
5. Barry et al. discloses a trimming system for a vehicle comprising:

- drive means coupled to a drive system of the vehicle having a driven pulley (90) coupled to a drive pulley (98) of the vehicle (12) for driving a trimming unit (60a) and a mowing unit (60b)
- a guide wheel (230) mounted to a vehicle frame (at 12) adjacent the trimming unit (60a) for maintaining a trimming wire at a predetermined distance from a stationary object (14), the guide wheel (230) mounted on a resiliently biased bracket (shown at 232)
- wherein the bracket (232) is fixedly mounted to the vehicle frame (12) and resiliently biased by a spring (235) mounted between the vehicle frame (12) and the bracket (at 232) for allowing spring biased deflection of the bracket (232) by a predetermined distance under the bias of the spring (235) relative to the trimming unit (60a) and the vehicle frame (12) upon contact of the guide wheel (230) with the stationary object (14)
- wherein said bracket (232) permits the predetermined deflection of said guide wheel (230) to thus enable a user to operate the vehicle (12) at a full speed in the vicinity of stationary objects (14).

However, Barry et al. fails to disclose wherein the trimming unit includes a spindle having at least one trimming wire for enabling performance of the edge trimming operations during rotation of the spindle, the spindle being coupled to the trimming unit by a threaded shaft to enable height adjustment of the spindle by rotation of the spindle relative to the shaft;

a guide wheel mounted on a driven axle of said trimming unit for maintaining at least one trimming wire of said trimming unit at a predetermined distance from a stationary object during performance of said edge trimming operations, said guide wheel being mounted on the vehicle

by a threaded shaft to enable height adjustment of said guide wheel by rotation of said guide wheel relative to said shaft.

Gates discloses a similar trimming system including a height adjustment device wherein a ground-following shoe is coupled to a trimming unit by a threaded shaft, wherein the rotation of the shoe on the threaded shaft enables height adjustment of the trimming system.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the threaded height adjustment mechanism of Gates on the device of Barry et al. in order to achieve the predictable results of enabling a cutting height adjustment.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al. and Gates as applied to claim 1 above, and further in view of Gustafson et al. 6,722,284.

The device is disclosed as applied to claim 1 above. However, while Barry et al. discloses a guide wheel, the combination fails to specifically disclose wherein the guide wheel is made of nylon.

Gustafson et al. discloses a guide wheel for a steerable robot. Gustafson et al. teaches that nylon guide rollers (301-304) are ideal because friction is reduced and wear between the guide wheels and objects is reduced (column 4, lines 45-52).

In light of the teaching of Gustafson et al., it would have been obvious to one having ordinary skill in the art at the time the invention was made to include nylon guides on Barry et al. and Gates' trimming system in order to reduce wear and friction.

***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Friday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 571-272-3600. The fax number for this Group is 571-273-8300.

/Alicia M Torres/  
Primary Examiner, Art Unit 3671  
May 8, 2008